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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,201	12/22/2001	Yong Yan		8449

Yong Yan
P. O. Box 70251
Sunnyvale, CA 94086

7590 12/05/2003

EXAMINER

ALLEN, STEPHONE B

ART UNIT	PAPER NUMBER
2878	

DATE MAILED: 12/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/026,201

Applicant(s)

YAN, YONG

Examiner

Stephone B. Allen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7 and 9-12 is/are rejected.
- 7) ☒ Claim(s) 2 and 8 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

With direction to claim 7, to be consistent in your presentation of the paragraphs, it is requested that you remove the periods (.) after each parenthesized letter, ie. the period after each (a)., (b)., (c)., (d). should be removed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-7, 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by 3,986,030 to Teltscher.

With respect to claims 1 and 7, Teltscher discloses (Figures 1 and 3) an apparatus for entering information into a utilization device 16, comprising a light source 12 which generates a directional light beam, an optical receiver 14 which comprises a collection of photodetectors, each of which is associated with a circuit that can generate a signal upon impact of the light beam; a circuit (included in the key means assembly) that collects and processes the signals and transmit the result to the utilization device,

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and means for directing the light beam at specific selective photodetectors 8. The method of operating the system is inherent to the system (col. 2, line 61 – col. 3, line 24).

With respect to claims 4 and 10, Teltscher discloses (figure 2) wherein the receiver includes shielding means 23 to prevent contamination from outside the system without blocking the light beam.

With respect to claims 5 and 11, Teltscher discloses the inclusion of filtering 25.

With respect to claims 6 and 12, Teltscher discloses means for providing audio or visual feedback to an operator upon generation of each signal from the photodetectors (col. 4, lines 39-51).

Claims 1, 3, 5-7, 9, 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by 6,097,373 to Jakobs.

With respect to claims 1 and 7, Jakobs discloses (Figure 1) an apparatus for entering information into a utilization device 18, comprising a light source 12 which generates a directional light beam 16, an optical receiver 22 which comprises a collection of photodetectors 56, each of which is associated with a circuit that can generate a signal upon impact of the light beam; a circuit (included in the key means assembly) that collects and processes the signals and transmit the result to the utilization device, and means for directing the light beam at specific selective photodetectors (the head of the operator). The method of operating the system is inherent to the system (Abstract).

With respect to claims 5 and 11, Jakobs discloses (Fig. 6) the inclusion of filtering 54.

With respect to claims 6 and 12, Jakobs discloses means for providing visual feedback (via computer) to an operator upon generation of each signal from the photodetectors.

With direction to claims 3 and 9, Jakobs discloses that the system is equipped to operate in various modes wherein simultaneous validity of signals from more than one photodetector (Col. 7, lines 39-47).

Allowable Subject Matter

Claims 2 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ball, Lauricella, von Bezold et al., Dordicik et al. Koizumi et al. Beale et al., Numazaki et al. and Rhodes disclose methods and apparatus for entering information into utilization device comprising a light source generating a light beam, a plurality of receivers each capable of receiving the beam of light from the light source, the output of the receivers is connected to a circuit for processing and transmitting the signals to the

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utilization device, directional means are included for directing the light beam to specific detectors.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephone B. Allen whose telephone number is (703) 308-4828. The examiner can normally be reached on Mon-Thurs from 0900-1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Porta can be reached on (703) 308-4852. The fax phone number for the organization where this application or proceeding is assigned (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Stephone B. Allen
Primary Examiner
Art Unit 2878

sba